

Figure SC850.F12. Sample of Questions for Appeal Decision

SAMPLE QUESTIONS FOR APPEAL HEARINGS

Discharge Situations - General Questions

For the employer's witness:

What was the final incident that resulted in the discharge?
What was the rule or policy that was violated or not followed by the employee?
How was the employee notified of this policy?
Was the policy consistently enforced in the office?
Was the employee aware that he or she could be discharged for violating the policy?
How was the employee informed that he or she could be discharged? (For example, if the employee had previously been suspended, the Notice of Suspension should have indicated that further misconduct could result in additional disciplinary action up to and including removal).
Had the employee received any warnings (written or verbal), letters of reprimand, or suspension concerning the policy in question?

For the employee:

Were you aware of the specific policy that resulted in your discharge?
Were you aware that you could be discharged for violation of this policy?
Had you received any warnings about your conduct?

Discharge Situations - Specific Questions

Absent Without Official Leave (AWOL)

For the employer's witness:

What dates was the employee charged with being AWOL?
Did the employee call in to request leave on those days?
If so, was leave approved? If leave was not approved, why wasn't it approved?
What is the office policy about calling in?
Was the employee required to call in to request leave from a specific person?
Was the employee aware of the policy?

How would the employee have been aware of the policy?
Was the employee verbally informed of the policy or was the policy in writing?
If the leave approving official was not available, was a procedure in place for the employee to call an alternate person?

For the employee:

Were you absent from work on the days specified?
Why were you absent on those days?
Were you required to call in to request leave when you were absent?
Did you call in on those days?
If you didn't, why didn't you?
If you did call do you know why your leave wasn't approved?
Did you report to work after you were informed that your leave would not be approved?
Were you aware that you were required to call in and request leave from a certain person?
Had you previously received any warnings about your attendance?
Were you aware that you could be discharged if you continued to be AWOL?

Falsification of Application for Employment:

For the employer's witness:

What document was falsified?
How was the application falsified?
When did the employer become aware that the application for employment had been falsified?
What information was provided by the employee on the application?
How was it discovered that this information was not correct?
What action was taken when it was discovered the application had been falsified?
Was the employee aware that he or she could be discharged for falsifying an application for employment?
How would the employee have been aware of this?

For the employee:

Were you aware that you could be discharged for providing false information on your application for employment?

Did you read the certification on the application that indicates action could be taken against you for providing false information on your application?

Voluntary Quit Situations - General Questions

For the employer's witness:

Did the employee provide any notice that he or she was resigning?
What reason did the employee provide as the reason for resignation?
Had the employee notified his or her supervisor of this reason prior to resigning?
Did the employee provide the employer with an opportunity to change the conditions of employment (for example, work hours or location of position) prior to resigning?
Did the employee pursue all available alternatives prior to resigning?
Did the employee request a leave of absence prior to resigning?
Did the employee request a transfer?
Did the employee file a grievance, EBO, or discrimination complaint?
Did the employee discuss the problem with his or her supervisor?
If the problem was with the supervisor, did the employee discuss the problem with the second level supervisor or the personnel specialist?
What were the conditions of employment under which the employee was hired?
Had there been any change in the conditions?
How would the employee have been aware of the conditions? (For example, position description, vacancy announcement, verbally told during the interview).
Was the employee told his or her position was going to be terminated?
If the employee had not resigned, would there have been continuing work available?

For the employee:

What was the reason you gave for resigning?
Did you inform your supervisor or personnel specialist of this reason prior to resigning?
Did you provide any notice that you were going to resign?
Did you request a leave of absence or transfer prior to resigning?
Did you pursue any rights available to you such as filing a grievance or EEO complaint?
Were you aware of the conditions of employment at the time you were hired?
Had there been any change in the conditions of your employment?
Had your employer indicated your position was going to be terminated?
Could you have continued to work if you had not resigned?

How long could you have continued to work if you had not resigned?

Voluntary Quit Situations - Specific Questions

Voluntary Separation Incentive Payment (VSIP)

For employer's witness:

When did the employee first indicate that he or she was interested in applying for a VSIP?

What information was contained in the application for the VSIP?

When was the application submitted?

Had the employee been informed that he or she was going to be terminated if they did not voluntarily separate to accept the VSIP?

Was a reduction in force (RIF) going to be put into effect?

How would a RIF have affected the employee's employment?

Did the employee have retention rights if a RIF was put in place?

If so, what were the retention rights?

Could the employee have continued to work if he or she did not voluntarily separate to accept the VSIP?

If so, how long could the employee have continued to work?

If the employee was going to be separated due to a RIF, how much would the individual have been eligible to receive in severance payment?

Would this amount have been equal to or greater than the amount of the VSIP?

For the employee:

What was the reason you gave for separating?

Were you told that your position was going to be terminated?

If so, when would the termination have been effective?

Could you have continued to work until then?

Why did you decide to resign or retire?

Could you have continued to work if you had not opted to voluntarily separate from your position?